

## BUREAU OF CORRECTIVE ACTIONS

The Bureau of Corrective Actions consists of four branches: Superfund; technical services; underground storage tanks and petroleum claims; and remediation and leaking underground storage tanks.

The Superfund program evaluates sites that have been, or may have been, contaminated for admission into the federal program under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). A Superfund site, or a site on the National Priority List, is one that was historically contaminated and that E.P.A. has determined presents a significant threat to human health and the environment, a threat that is determined using a special set of guidelines. Under Superfund, the U.S. Environmental Protection Agency (U.S.E.P.A.) can direct funds to study a specific site and to require cleanup if necessary. In Nevada, only one area has been designated a Superfund site: the Carson River basin from New Empire in Carson City to Stillwater and the Carson Sink. This site is under the direct control of the U.S.E.P.A., Region IX in San Francisco, California. Notification of spills or releases to the environment are required to be made to the Division's Superfund branch which is responsible for taking reports of substances at or above defined thresholds (NAC 445A.347). The hot line for reporting releases is provided below.

Housed in the superfund program is the Division's **Brownsfield** Program. A Brownfields site is an abandoned, vacant or underused industrial or commercial property where redevelopment is complicated by actual or perceived contamination. This program assists municipalities, developers, local governments, local communities, redevelopment agencies, and businesses in the redevelopment of these parcels. Funds are available to conduct site assessments (Phase I/II) to characterize the nature and extent of any contamination and provide preliminary cost estimates for clean up of each site. The program focuses on minimizing the uncertainties surrounding these properties. The Brownfields program has an application process and potential applicants should contact staff for participation. The application requires a description and history of the site, where the property taxes are delinquent, disclosure whether an order is pending, a description of any building on the property. For further information go to the Division's website at [www.state.nv.us/ndep](http://www.state.nv.us/ndep)

The **technical services branch** has two functions: implementing the state's certification programs for environmental manager, hazardous waste management specialist, tank tester and tank handler; and giving technical and administrative support to the bureau.

The goal of the **underground storage tank and petroleum claims branch** is to properly manage underground tank (UST) systems and to administer the state's petroleum reimbursement fund. The bureau provides staff support to the Board to Review Claims, the body that approves petroleum reimbursement claims.

The **remediation branch** oversees multi-media cleanup activities and sets cleanup standards. The majority of releases to the environment involve petroleum; however, heavy metals, PCB's, pesticides and organic solvents are also addressed. Oversight of all remediation is coordinated with the owner/operator. Federal funds are available for the bureau to use in cases where a responsible party is absent.

**Statutory Authority:** NRS 459.500-459.535  
NRS 459.800-459.856  
NRS 590.700-590.920  
NRS 445A.010-445A.730

**Employees:** 25 FTE (1999)

**Main Office:** 123 West Nye Lane, Room 206  
Carson City, Nevada 89706-0851  
Phone (775) 687-4670 Fax (775) 687-6396

**Southern Nevada Office:**

555 E. Washington Ave., Suite 4300 (Grant Sawyer Office Building)  
Las Vegas, NV 89101-1049  
Phone (702) 486-2850 Fax (702) 486-2863

**Reporting Hotline:** 1-800-992-0900, extension 4670

**REGULATORY FUNCTIONS**

***Certification***

**A. Certified Environmental Manager**

**Authority:** NAC 459.970 through 459.9729

**When**

**Required:** Before any person consults for a fee in matters concerning: the management of hazardous waste; the investigation of a release or potential release of a hazardous substance; the sampling of any media to determine the release of a hazardous substance; the response to a release or cleanup of a hazardous substance; or the remediation of soil or water contaminated with a hazardous substance. Any person performing environmental audits, as defined in NRS 445C, must be a certified environmental manager, unless that person meets the exemptions defined in NAC 459.9718.

**Approximate  
Time to**

**Obtain:** Certification can only be obtained once a year. Processing the application takes about 3 months; the issuance of certification takes about 3 months following the test and verification of a passing score.

**Duration of**

**Certificate:** 2 years. Certification can be renewed by demonstrating that the holder continues to meet all qualifications.

**Fees:** Application, examination and renewal fees apply. See NAC 459.972, 459.9724, 459.9726, 459.9728 for the applicable fee schedule attached to this section.

**Information**

**Required:** An application provided by the division must be completed. Demonstration of one of the following is required: a bachelor's or advanced degree from an accredited college or university in a relevant field and at least 3 years' experience; relevant professional registration or certification and at least 3 years' experience; or a combination of education and experience judged appropriate by the division. Also needed are: a passing score on the examination administered by the division; three letters of recommendation; a color photograph; a statement declaring the details of any pleas of guilty or nolo contendere in any criminal proceeding and of any conviction of a crime.

**Public Notice:** Not applicable

**Reporting  
Required:** Not applicable

**Comments:** Testing is currently conducted once a year. A form for registration for the examination is sent to the applicant by the division once the application for certification has been approved. The completed registration form for the test must be received by the division at least 30 days before the examination is scheduled. The examination for the environmental manager is a six-hour timed test.

**B. Certified Specialist in the Management of Hazardous Waste**

**Authority:** NAC 459.970 through 459.9729

**When  
Required:** Before any person consults for a fee in matters concerning the management of hazardous waste.

**Approximate  
Time to  
Obtain:** Certification can only be obtained once a year. Processing the application takes about 3 months; the issuance of certification after the test is taken takes about 3 months.

**Duration of  
Certificate:** 2 years

**Fees:** Application, examination and renewal fees apply. See NAC 459.9721, 459.9724, 459.9726, 459.9728 for the applicable fee schedule in the Appendix attached to this section

**Information  
Required:** An application provided by the division must be completed. Demonstration of one of the following is required: a bachelor's or advanced degree from an accredited college or university in a relevant field and at least 2 years' experience; relevant professional registration or certification and at least 2 years' experience; a high school diploma or general equivalency diploma and at least 6 years of relevant hazardous waste experience; or a combination of education and experience judged appropriate by the division. Also needed are: a passing score on the examination administered by the division; three letters of recommendation; a color photograph; and a statement declaring the details of any pleas of guilty or nolo contendere in any criminal proceeding and of any conviction of a crime.

**Public Notice:** Not applicable.

**Reporting  
Required:** Not applicable

**Comments:** Testing is currently conducted once a year. A form for registration for the examination is sent to the applicant by the division once the application has been approved. The completed registration form for the test must be received by the division at least 30 days before the examination is scheduled. The examination for

the manager of hazardous waste is a four-hour timed test.

**C. Certified Handler of Underground Storage Tanks (USTs)**

**Authority:** NAC 459.970 through 459.9720

**When**

**Required:** Before any person installs, repairs, upgrades or closes a regulated UST for a fee.

**Approximate  
Time to**

**Obtain:** Division review takes 4-6 weeks.

**Duration of  
Certificate:**

2 years

**Fees:** Application, examination and renewal fees apply. See NAC 459.9722, 459.9724, 459.9726, 459.9728 for the applicable fee schedule in the Appendix attached to this section

**Information  
Required:**

An application provided by the division must be completed. The following must also be submitted: a color photograph; proof of at least two years' experience and participation in ten projects relating to the handling of underground tanks; a copy of an appropriate license from the state contractors' board (A, AB, A22 [specified], B, C28 or B4); proof of completion of a division-approved course on the safe handling of underground storage tanks; a statement declaring the details of all pleas of guilty or nolo contendere in any criminal proceeding and of any conviction of a crime; and three letters of recommendation. Also needed is proof of passing the required examinations given by the International Fire Code Institute (IFCI) on the installation module and the decommissioning module.

**Public Notice:** Not applicable.

**Reporting**

**Required:** Not applicable.

**Comments:** To date, the IFCI examinations are the only ones accepted by the division. Information on the IFCI, courses on safe handling, and other matters can be obtained by contacting the bureau.

**D. Certified Tester of Underground Storage Tanks (USTs)**

**Authority:** NAC 459.970 through 459.9729

**When**

**Required:** Before any person tests the tightness of an UST for a fee.

**Approximate  
Time to**

**Obtain:** Division review of the application takes 4-6 weeks.

<b>Duration of Certificate:</b>	2 years
<b>Fees:</b>	Application, examination and renewal fees apply. See NAC 459.9723, 459.9724, 459.9726, 459.9728 for the applicable fee schedule in the Appendix attached to this section
<b>Information Required:</b>	An application provided by the division must be completed. The following must also be submitted: a color photograph; proof of at least one year's experience and of participation in 50 tests of Underground Storage Tanks (UST's); proof of training by the testing equipment manufacturer; proof of completion of a division-approved course on safe handling of UST's; a statement declaring the details of all pleas of guilty or nolo contendere in any criminal proceeding and of any conviction of a crime. Also needed are three letters of recommendation and proof of passing the required examination given by the IFCI.
<b>Public Notice:</b>	Not applicable
<b>Reporting Required:</b>	Not applicable
<b>Comments:</b>	To date, the IFCI examinations are the only ones accepted by the division. Information on the IFCI and other matters can be obtained by contacting the bureau.

### ***Registrations/Enrollments***

#### **A. Underground Storage Tanks**

<b>Authority:</b>	40 CFR Part 280.22 as adopted by NAC 459.993
<b>When Required:</b>	Underground storage tanks must be registered pursuant to 40 CFR Part 280.22. Within 30 days of bringing a tank into use, the owner must submit a completed registration form to the state. Registration forms can be obtained from staff.
<b>Approximate Time to Obtain:</b>	Within a few days of the division's receipt of notification.
<b>Duration of Registration:</b>	For the life of the tank.
<b>Fees:</b>	Not applicable.
<b>Information Required:</b>	Information must be submitted as requested on U.S.E.P.A.'s federal form 7530-1. Appropriate certification must be provided in the notification that the

owner/operator has complied with requirements for the proper installation of tanks and piping; has cathodic protection for steel tanks and piping; is financially responsible; and has release detection .

**Public Notice:** Not applicable.

**Reporting  
Required:**

Owners/operators of an Underground Storage Tank (UST) system must report: notification of new installations; all releases and potential releases; planned corrective actions; notification before closure or change in service.

**Comments:**

The owner/operator of the tank systems must comply with 40 CFR Part 280. The division may inspect and request the operational and monitoring records without prior notification for any regulated tank system. Some UST's may be exempt from regulation (See 40 CFR Part 290). Above-ground storage tanks are regulated by the state fire marshal's office.

**B. Enrollment of Above-Ground and Underground Tanks in the State's Petroleum Claims Fund**

**Authority:** NAC 590.700 through 590.790

**When**

**Required:**

Participation is voluntary. All owners/operators of UST's storing designated petroleum fuels must show financial responsibility through specific mechanisms. Enrollment in the state's petroleum claims (or reimbursement) fund is an acceptable demonstration of financial responsibility.

**Approximate  
Time to**

**Obtain:**

Upon the division's receipt of the completed application and relevant fees.

**Duration of  
Registration:**

1 year

**Fees:**

An annual fee of \$100 per tank applies. Fees are established by statute in NRS 590.850.

**Information**

**Required:**

The owner/operator must first supply all information required for tank enrollment, including the results of a tightness test demonstrating the integrity of the tank.

**Public Notice:**

Not applicable.

**Reporting**

**Required:**

Notification of any release is required.

**Comments:**

The state's petroleum reimbursement fund is an insurance fund used for addressing releases. It meets the federal requirements for financial responsibility. Underground storage tanks registered with the division can also be registered in the petroleum claims fund. Above-ground tanks and UST's exempted from registration (e.g. tanks that store jet fuels) may choose to submit proof of tank integrity and pay the required fees to be included in the petroleum fund. Home fuel tanks used for consumptive use on the premises where they are located are automatically covered

under this program. **The Board to Review Claims consists of:** the administrator of the Division of Environmental Protection; the director of the Department of Taxation; the state fire marshal; a representative of refiners of petroleum; a representative of independent petroleum dealers; a representative of independent petroleum retailers; and a representative of the general public. The board reviews each claim and authorizes payment to the extent warranted by the facts. In addition to monies collected from registration in the claims program, the fund is in large supported by a \$0.075 cent fee (see NRS 590.840) for each gallon of specified fuels imported or refined in Nevada. Liquefied petroleum gas is regulated by the Board for Regulation of Liquefied Petroleum Gas.

The petroleum claims fund is a reimbursement program. The program requires deductibles and co-payments by the insured party. Persons with heating oil tanks that are a 1,100 gallons or less have a deductible of \$250 and a maximum allowable reimbursement of \$250,000 for cleanup per tank. Public agencies have a 10 percent co-payment with their costs capped at \$ 10,000 and a maximum allowable of \$990,000 per tank, and a allowable annual aggregate cost ceiling of \$1,980,000 for the discharge. Small Businesses (defined as generating less than \$500,000 in annual gross revenues per facility) have a 10 percent deductible with their costs capped at \$ 50,000 and a maximum allowable reimbursement of \$950,000 for the first tank and an allowable annual aggregate of \$1,900,000. All other tanks have a 10 percent co-payment for cleanup, with a \$900,000 per tank and an allowable annual aggregate of \$1,800,000 for the petroleum discharge.

The Bureau has available a document called "Underground Storage Tank Release & Reimbursement Packet". Included within this document are the fund coverage, claim request procedures, reimbursement recommendations, applications for coverage and reimbursement, equipment policies, how to select a consultant and other information about how to remediate a storage tank release.

## **CORRECTIVE ACTION FEES AND AUTHORITIES**

### **FEE DESCRIPTION: Consultant Certification Fees for an Environmental Manager**

NRS AUTHORITY: 459.500      NAC AUTHORITY: 459.972

CITATIONS: Certification as environmental manager (By NAC, last amended March 1991)

#### **DISCUSSION:**

NAC 459.972 establishes a non refundable fee of \$ 100 for the review of applications for environmental managers.

### **FEE DESCRIPTION: Consultant Certification Fees for a Hazardous Waste Management Specialist**

NRS AUTHORITY: 459.500      NAC AUTHORITY: 459.9721

CITATIONS: Certification as specialist in the management of hazardous waste. (By NAC, last amended March 1991)

#### **DISCUSSION:**

NAC 459.9721 establishes a non refundable fee of \$ 100 for the review of applications for hazardous waste management specialist.

### **FEE DESCRIPTION: Consultant Certification Handler Of Underground Tanks Fee**

NRS AUTHORITY: 459.500      NAC AUTHORITY: 459.9722

CITATIONS: Certification as handler of underground storage tanks. (By NAC, last amended March 1991)

#### **DISCUSSION:**

NAC 459.9722 establishes a non refundable fee of \$ 100 for the review of applications for the handler of underground storage tanks.

### **FEE DESCRIPTION: Consultant Certification Tester Underground Tanks Fee**

NRS AUTHORITY: 459.500      NAC AUTHORITY: 459.9723

CITATIONS: Certification as tester of underground storage tanks. (By NAC, last amended March 1991)

#### **DISCUSSION:**

NAC 459.9723 establishes a non refundable fee of \$ 100 for the review of applications for the tester of underground storage tanks.



**FEE DESCRIPTION: Consultant Certification Person Certified Other State Fee**

NRS AUTHORITY: 459.500      NAC AUTHORITY: 459.9724

CITATIONS: Certification of person certified by another state or recognized organization. (By NAC, last amended March 1991)

**DISCUSSION:**

NAC 459.9724 establishes a non refundable fee of \$ 100 for the review of applications for the persons certified as an environmental manager, hazardous waste management specialist, underground storage tank handler, or underground storage tank tester in other states as recognized by the Nevada Division of Environmental Protection.

**FEE DESCRIPTION: Consultant Certification Examination Fee**

NRS AUTHORITY: 459.500      NAC AUTHORITY: 459.9726

CITATIONS: Action on applications; examinations for certification (By NAC, last amended January 1992)

**DISCUSSION:**

NAC 459.9726 establishes a non refundable examination fee of \$ 150 for the consultant certification program. The cost to re-examination is \$ 150. This is for certification of environmental managers, hazardous waste management specialists, underground storage tank handlers, and underground storage tank testers.

**FEE DESCRIPTION: Consultant Certification Renewal of Certificate Fee**

NRS AUTHORITY: 459.500      NAC AUTHORITY: 459.9728

CITATIONS: Renewal of certificate (By NAC, last amended March 1991)

**DISCUSSION:**

NAC 459.9728 establishes a fee of \$ 100 for consultant certificate renewal. Pursuant to NAC 459.9727 a certificate is valid for two years from the date of issuance.

**BOARD TO REVIEW CLAIMS FEES**

**FEE DESCRIPTION: Petroleum Cleanup Storage Tank Registration Fee**

NRS AUTHORITY: 590.850      NAC AUTHORITY: 590.730

CITATIONS: Annual registration of storage tanks (By NRS, last amended in 1995)

**DISCUSSION:**

The storage tank registration is an annual fee of \$ 100 for each registered

storage tank, payable by October 1 of each year. Fee established by NRS, and the time the fee must be paid is defined in NAC.

**FEE DESCRIPTION: Petroleum Cleanup Storage Tank Product Fee**

NRS AUTHORITY: 590.840      NAC AUTHORITY: N/A

CITATIONS: Collection of fee for certain fuels and heating oil; exempt product; payment of expenses of department of taxation (By NRS, last amended in 1995)

**DISCUSSION:**

A fee of 0.075 cent (3/4 of a cent) for each gallon of motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 and heating oil is collected to support the remediation activities of the petroleum cleanup fund.

END OF BOARD TO REVIEW CLAIMS FEES

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